

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN RE:	)	
	)	
JAMES BRADY WILLIAMS, JR.	)	
LUCRETIA DESIREE WILLIAMS	)	Case No. 10-80443
	)	(Chapter 13)
Debtors	)	

OBJECTION TO CONFIRMATION

NOW COMES W. S. Badcock Corp. (“Badcock”) by and through its undersigned counsel, and hereby objects to the proposed Chapter 13 Plan as follows:

1. The Debtors sought and obtained relief from the Court under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §§1301-1330, by petition filed on or about March 12, 2010.
2. On or about September 2, 2008, the Female Debtor opened a revolving credit account with Badcock pursuant to the terms of a Badcock Easy Purchase Plan Credit Agreement of even date. See Exhibit 1.
3. The Female Debtor subsequently purchased various items of furniture and merchandise (herein the “Merchandise”) from Badcock on credit pursuant to the terms of such Credit Agreement as evidenced by the Sales Slips attached hereto as Exhibit 2.
4. Pursuant to the terms of the Credit Agreement and the attached Sales Slips, the Female Debtor granted Badcock a purchase money security interest in each piece of Merchandise purchased pursuant to same.
5. As of the petition date, the net payoff due and owing to Badcock for the Merchandise was \$2,991.26, plus interest.
6. The Debtors’ current Chapter 13 Plan fails to provide for repayment of the debt to

Badcock.

7. Pursuant to the provisions of the “hanging paragraph” to 11 U.S.C. Sec. 1325, Badcock should be fully secured for the \$2,991.26 balance due on the Merchandise that the Female Debtor purchased and financed with Badcock since the merchandise was purchased within one (1) year of the filing date.

WHEREFORE, Badcock respectfully requests that a hearing be scheduled on this matter by the Court to determine the appropriate treatment of Badcock's claim secured by the Merchandise.

This the 10<sup>th</sup> of June, 2010.

KIRSCHBAUM, NANNY, KEENAN & GRIFFIN, P.A.

By: s/ Pamela P. Keenan

Pamela P. Keenan

N.C. State Bar No. 20328

Attorneys for W. S. Badcock Corp.

PO Box 19766

Raleigh, NC 27619

Telephone: (919) 848-0420

Facsimile (919) 848-4216

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day, she served a copy of the foregoing on the parties in interest either electronically or by depositing copies of same in a depository under the exclusive care and custody of the United States Postal Service, in a postage-paid envelope, addressed as follows:

James and Lurcettia Williams  
418 Rushmore Drive  
Raeford, NC 28376

John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27165

Richard M. Hutson, II  
PO Box 3613  
Durham, NC 27702

This the 10<sup>th</sup> of June, 2010.

s/ Beverly Morris  
Beverly Morris  
Paralegal